

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:05CV322

CHRISTOPHER L. HYDER,)	
)	
Plaintiff,)	
)	
Vs.)	<u>MEMORANDUM AND</u>
)	<u>ORDER</u>
<hr/> HUBBELL DISTRIBUTION, INC.,)	
)	
Defendant.)	
<hr/>)	

THIS MATTER is before the Court on the Magistrate Judge's Memorandum and Recommendation, filed February 6, 2006.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell, was designated to consider pending motions in the captioned civil action and to submit to this Court recommendations for the disposition of these motions.

On February 6, 2006, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the

Defendant's motion to dismiss. The parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 14 days of service of the Recommendation; the period within which to file objections expired on February 23, 2006. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds the proposed findings of fact are supported by the record and the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Defendant's motion be allowed.

IT IS, THEREFORE, ORDERED that the Defendant's motion to dismiss be **ALLOWED**, and Plaintiff's second cause of action under Title VII of the Civil Rights Act is hereby **DISMISSED WITH PREJUDICE**.

Signed: February 27, 2006



Lacy H. Thornburg
United States District Judge

